

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

Timothy Kerrigan, et al

Plaintiff,

v.

VISALUS, INC., et al

Defendant.

Civil Action No. 2:14-cv-12693

Hon. Matthew F. Leitman

SUMMONS IN A CIVIL ACTION

To: Gary J. Reynolds

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Andrew Kochanowski
Sommers Schwartz, P.C.
One Towne Square
Suite 1700
Southfield, MI 48076

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DAVID J. WEAVER, CLERK OF COURT

By: s/D. Allen

Signature of Clerk or Deputy Clerk

Date of Issuance: March 9, 2017



Summons and Complaint Return of Service

Case No. 2:14-cv-12693

Hon. Matthew F. Leitman

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Gary J. Reynolds
was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* Barry Rosenbaum of Seyburn Kahn , who is
designated by law to accept service of process on behalf of *(name of organization)* Gary J. Reynolds
_____ on *(date)* 3/17/17 ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____
_____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: 3/21/17

s/ Sarah L. Rickard

Server's signature

Sarah L. Rickard, Attorney

Printed name and title

One Towne Square, Suite 1700, Southfield, MI 48076

Server's address

Additional information regarding attempted service, etc:

From: [Rickard, Sarah L](#)
To: [Ward, Denise L](#)
Subject: FW: Kerrigan v ViSalus
Date: Friday, March 17, 2017 1:58:30 PM

From: Rickard, Sarah L
Sent: Friday, March 17, 2017 1:58 PM
To: Edward.Salanga@quarles.com; 'Barry Rosenbaum' <BRosenbaum@seyburn.com>
Cc: 'Catlett, Michael S.' <michael.catlett@quarles.com>; Quigley, Kevin <Kevin.Quigley@quarles.com>; Kochanowski, Andrew <AKochanowski@sommerspc.com>; 'Matthew Prebeg' <mprebeg@PFALAWFIRM.COM>; Mark Miller <MRM@wexlerwallace.com>
Subject: Kerrigan v ViSalus

Ed and Barry,

As a follow-up to our discussion regarding a uniform deadline schedule for all defendants to answer or respond to the Third Amended Complaint, we are not in agreement with the proposal. Our position is that the existing parties have already hashed out and the Court has already ruled on two separate sets of motions to dismiss, so the uniform deadline with regard to the existing parties is unnecessary. If there is a new issue to be raised, please timely provide us with your written grounds so that we can respond and hopefully resolve prior to the filing deadline in accordance with Judge Leitman's procedure.

We will agree to a uniform service date of today, March 17, for all of the existing parties and the added parties Barry has been authorized to accept service on behalf of, thus giving these parties 21-days from today to answer/respond to the TAC. I understand that Network Dynamics has not yet given this authorization and that the Ropart entities, OCD Marketing, and BAM Ventures have not yet retained counsel. Please let us know by Monday afternoon if these parties have authorized service or have retained counsel authorized to accept service so that we can arrange a process server if needed.

Sarah

Sarah L. Rickard

One Towne Square, 17th Floor | Southfield, MI 48076

Main: (248) 355-0300 | Direct Dial: (248) 415-3171

Direct Fax: (248) 936-2111

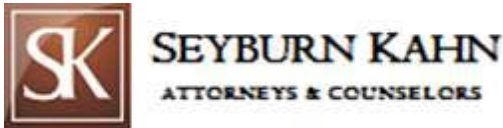
www.sommerspc.com

From: [Rickard, Sarah L](#)
To: [Kochanowski, Andrew](#); [Matthew Prebeg](#); [Mark Miller](#)
Cc: [Ward, Denise L](#)
Subject: FW: Kerrigan v ViSalus
Date: Wednesday, March 15, 2017 12:14:12 PM

From: Barry Rosenbaum [mailto:BRosenbaum@seyburn.com]
Sent: Wednesday, March 15, 2017 10:19 AM
To: Rickard, Sarah L <SRickard@sommerspc.com>
Cc: Nanette Hall <NHall@seyburn.com>
Subject: Kerrigan v ViSalus

Sarah,

I am now authorized to accept service on behalf of **G. Reynolds** and Beachlifestyle.
Barry



Barry M. Rosenbaum
2000 Town Center
Suite 1500
Southfield, MI 48075
Phone: (248) 353-7620
Fax: (248) 353-3727
brosenbaum@seyburn.com
www.seyburn.com

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